



# U.S. Senator Judd Gregg, Chairman

## Senate Committee on Health, Education, Labor and Pensions

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Contact: Christine Iverson  
(202) 224-6770

## **HELP Committee Unanimously Passes Bipartisan IDEA Reauthorization Legislation**

Bill Improves Special Education Student's Ability to Learn to their Full Potential  
while Improving the Program for Parents, Teachers, and School Districts

**Washington, DC**—The Senate HELP Committee, chaired by Senator Judd Gregg (R-New Hampshire), today unanimously passed bipartisan legislation reauthorizing the Individuals with Disabilities Education Act (IDEA).

The bill gives school districts the flexibility to use IDEA funds to address the most important needs of students in each school, reduces the burden of paperwork for special education teachers, improves conflict resolution, reduces the need for litigation and encourages mediation. The bill also improves discipline by simplifying the procedures used by school districts, and improves parental involvement in the education process.

Chairman Gregg and Ranking Member Edward Kennedy (D-Massachusetts) introduced the Individuals with Disabilities Education Improvement Act of 2003 two weeks ago. Since then, Gregg and Kennedy staff have received hundreds of e-mails and held over 80 joint meetings with interested parties to receive feedback on the introduced version of the bill. The bill passed today reflects the changes and suggestions brought forth from those discussions.

“This bill gives school districts the flexibility to use IDEA funds to address the most important needs of students in each school, reduces the burden of paperwork for special education teachers, improves conflict resolution, reduces the need for litigation and encourages mediation. The bill also improves discipline by simplifying the procedures used by school districts and improves parental involvement in the education process,” Senator Gregg said.

“As we have expressed from the outset, this reauthorization is designed to ensure that special education resources are directed to help children with disabilities obtain the same opportunity to succeed as all other students. Thanks to our bipartisan efforts and the input of those who care

about educating all children, I am confident that we are meeting that goal with the bill we passed today,” Gregg said.

A summary of the bill and a list of groups supporting the bill are included below:

## **Individuals with Disabilities Education Improvement Act of 2003 Bill Summary**

### **Increasing Accountability and Improving Education Results**

- Ensures that States focus on the goal of improving academic results and functional performance rather than meeting the requirements of a burdensome procedural checklist.
- Clarifies methods to measure student progress.
- Provides for results from alternate assessments to be incorporated into States’ No Child Left Behind Act accountability systems.
- Provides up to \$3 million for a national study of valid and reliable alternate assessment systems and how alternate assessments align with state content standards.

### **Improving Monitoring and Enforcement**

- Provides the Secretary and the States with greater authority and new tools to implement, monitor and enforce the law using performance data.
- Requires States to meet clear benchmarks to ensure all children with special needs receive a free appropriate public education in the least restrictive environment.
- Directs the Secretary and the States to apply clear appropriate sanctions to address non-compliance with IDEA requirements.

### **Resolving Conflicts and Reducing Litigation**

- Provides new opportunities, such as alternative dispute resolution, for parents and schools to address concerns before the need for a due process hearing.
- Clarifies mediation is available at any time and that schools and parents have equal access to the due process system.
- Requires complaints of either the school or parents to be clear and specific before going to a due process hearing.
- Encourages prompt resolution of concerns by establishing a two-year statute of limitations for filing a complaint, and a 90-day limit for filing appeals to a court, unless State law provides for alternative time frames.
- Requires that hearing officers make decisions based upon substantive grounds—not on technical errors that have no effect on the child’s education.
- Prohibits hearing officers from hearing matters in which they have a personal or professional interest that would conflict with their objectivity in the hearing.
- Establishes minimum competency standards for hearing officers.

### **Improving Discipline and Ensuring Safety**

- Improves current discipline provisions by simplifying the framework for schools to administer the law, while ensuring the rights and the safety of all children.
- Ensures that the IEP contains positive behavioral interventions and supports for a child whose behavior impedes the child’s learning, or that of others.

- Requires schools to consider whether a child's behavior was the result of their disability when considering disciplinary action and to provide a behavioral assessment and appropriate behavioral interventions to those children who receive a disciplinary action.

### **Reducing Paperwork**

- Streamlines State and local requirements to ensure that paperwork focuses on improved educational and functional results for children with disabilities.
- Clarifies that no information is required in an IEP beyond what federal law requires.
- Eliminates the requirements that IEPs must include benchmarks and short-term objectives that generate more paperwork, but requires a description of how progress is measured, including quarterly reports to parents.
- Reduces the number of times that procedural safeguards notices must be sent out to parents to once per year, unless the parent registers a complaint or requests a copy.
- Ensures that State regulations are consistent with IDEA and that any State-imposed requirements or paperwork reporting are clearly identified to local educational agencies.
- Requires the Secretary to develop model forms, review paperwork requirements and provide Congress with proposals to reduce the paperwork burden on teachers.

### **Improving Parental Involvement**

- Provides parents with increased information and access to resources to support parents through dispute resolution and due process.
- Encourages parent and community training information centers (PTIs) to focus on improving parent-school collaboration and early, effective dispute resolution.
- Encourages PTIs to use scientifically based practices and information in assisting parents, and to work in collaboration with the Regional Resource Centers.
- Allows parents and schools to agree that a student reevaluation is unnecessary, especially when the student is finishing high school.
- Allows a parent to request an initial evaluation of a child for IDEA services.
- Allows parents and schools to agree to make changes to an IEP during the year without having to reconvene an entire IEP meeting, saving time for both parents and schools.

### **Supporting Teachers**

- Clarifies that most special education teachers do not have to be certified in every subject they teach but must be certified in special education.
- Extends the timeframe for special education teachers to be highly qualified to the end of the 2006-07 school year.
- Designates 100% of state program improvement grants to support preparation and professional development for teachers.
- Authorizes two grant programs for enhanced support and training for special educators and training to support general educators, principals, and administrators.
- Authorizes local educational agencies to use a portion of Part B funds for providing professional development to help teachers deliver scientifically based academic instruction and behavioral interventions in order to help children succeed in school.
- Allows States to use the increased state activities funds to assist in meeting personnel shortages, and provide technical assistance and professional development to teachers.

### **Increasing Flexibility and Local Control**

- Authorizes local educational agencies in compliance with IDEA to use up to 8% of the federal funds as local funds and up to 25% once full funding is achieved. This funding will be available for use by local educational agency for local priorities.
- Authorizes states in compliance with IDEA that fund 80% or more of the non-federal cost of special education and related services to use the same amounts of flexibility as local educational agencies to support purposes of the Elementary and Secondary Education Act and needs-based student and teacher higher education programs.

### **Reducing Misidentification of Non-Disabled Children**

- Allows for the development of new approaches to determine whether students have specific learning disabilities by clarifying that schools are not limited to using the IQ-achievement discrepancy model.
- Provides funds for training school personnel in effective teaching strategies and interventions to prevent over-identification and misidentification of children.

### **Providing Early Access to Services and Support**

- Authorizes local educational agencies to use up to 15% of IDEA funds for support services to help students not yet identified with disabilities but who require additional academic and behavioral support to succeed in a general education environment.
- Authorizes States to create a seamless system for infants, toddlers and preschoolers with disabilities, giving parents the opportunity to continue services with the provider of their choice.
- Requires that initial evaluations occur within 60 days of referral unless the state currently has a policy that establishes a timeline for evaluation.
- Maintains early intervention and preschool special education programs for infants, toddlers, and preschoolers with disabilities.

### **Improving Transition Services**

- Simplifies the rules for transition services—activities that help a student begin planning for life after high school—by requiring that these services and planning begin at age 14.
- Provides an option to develop a 3-year IEP for students ages 18 to 21, to directly focus parents and schools on long-term goals for helping students transition to postsecondary activities.
- Facilitates transition to post-secondary activities by focusing exit evaluations on recommendations to assist the child in meeting post-secondary goals.
- Promotes the involvement of the State vocational rehabilitation system with disabled students while still in secondary school.

### **Reforming Special Education Finance and Funding**

- Simplifies funding for grants to States and local educational agencies, state administration, other state-level activities, risk pool funds, and flexibility authority making future years' funding levels and amounts available more predictable.
- Provides new resources to assist local educational agencies and charter schools that are local educational agencies in addressing the needs of high-need children and unanticipated enrollment by establishing a risk pool fund to assist in meeting those needs.
- Caps the amount for administrative overhead at the fiscal 2003 level while authorizing States to retain an increased portion for other required state-level activities—this amount would also be capped after two years.

- Clarifies that funds re-designated as local pursuant to the flexibility provisions can be used to provide the non-federal match for purposes of applying for federal reimbursement of allowable costs for special education related services under Medicaid.

## **Improving Research**

- Creates the National Center for Special Education Research
- Provides for a smooth transition of research activities from the Office of Special Education to the Institute of Education Sciences.

### **Groups Supporting The Individuals with Disabilities Education Improvement Act of 2003:**

- ◆ American Association of School Administrators (AASA)
- ◆ American Federation of Teachers (AFT)
- ◆ American Therapeutic Recreation Association (ATRA)
- ◆ Arc of the United States
- ◆ Association for Career and Technical Education (ACTE)
- ◆ Association of University Centers on Disabilities (AUCD)
- ◆ Autism Society of America (ASA)
- ◆ Children's Defense Fund (CDF)
- ◆ Consortium for Citizens with Disabilities (CCD)
- ◆ Council for Exceptional Children (CEC)
- ◆ Council of Chief State School Officers (CCSO)
- ◆ Council of the Great City Schools (CGCS)
- ◆ Learning Disabilities Association of America (LDA)
- ◆ National Association of Social Workers (NASW)
- ◆ National Association of State Directors of Career Technical Education Consortium (NASDCTEC)
- ◆ National Association of State Directors of Special Education (NASDSE)
- ◆ National Center for Learning Disabilities (NCLD)
- ◆ National Education Association (NEA)
- ◆ National School Boards Associations (NSBA)

◆ Tourette Syndrome Association, Inc. (TSA)

◆ United Cerebral Palsy (UCP)

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